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**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**

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NEW YORK, NY 10007

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October 23, 2023

Granted.

*Via ECF*

The Honorable Robert W. Lehrburger  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

SO ORDERED:

10/23/2023 

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

**Re: Ware v. Brann, et al., No. 21 CV 2028 (PGG)(RWL)**

Dear Magistrate Judge Lehrburger:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, the Honorable Sylvia O. Hinds-Radix, attorney for Defendants in the above-referenced action. I write to respectfully request a 30-day extension of the briefing schedule for the parties' cross motions for summary judgment in this action.

This extension is requested in light of several matters: (i) additional time is necessary to review the record relevant to Plaintiff's claims, particularly as it relates to his medical condition(s); (ii) recent illness of Defendants' counsel, compounded by unexpected and emergent professional obligations in other matters, has impeded completion of Defendants' cross moving papers; and (iii) additional time is necessary to ensure a concise submission of only those material necessary for the Court's consideration to dispose of Defendants' cross motion.

Accordingly, I respectfully request an extension of the parties' cross motion briefing schedule as follows:<sup>1</sup>

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Defendants' cross-moving and opposition papers due on or before	October 24, 2023	November 24, 2023 <sup>2</sup>
Plaintiff's reply and opposition papers due on or before	December 5, 2023	January 4, 2024
Defendants' reply papers due on or before	December 29, 2023	January 29, 2024

This is the first request by Defendants for an extension of the parties' briefing schedule on their cross motions for summary judgment. Due to Plaintiffs' incarceration and his *pro se* status, I am unable to receive his consent to this application in advance of its submission.

I apologize that this application is made belatedly in contravention of the Court's Individual Practices. I attempted to file this application yesterday evening but at several points was unable to access the Court's ECF portal and instead received a 404-error page.

I thank the Court for its consideration of this request.

Respectfully yours,

*/s/ David S. Thayer*

David S. Thayer

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<sup>1</sup> Plaintiff did not file any moving papers. As such, Defendants' proposed briefing schedule excludes this deadline.

<sup>2</sup> Where a 30-day extension of a deadline falls on a weekend or holiday in Defendants' proposed schedule, I have advanced the deadline to the next court day.

cc: ***Via First-Class Mail***  
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Green Haven Correctional Facility  
P.O. Box 4000  
Stormville, NY 12582  
*Plaintiff pro se*